

Message Text

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ORIGIN EB-11

INFO OCT-01 EA-11 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 SS-20 L-03 NSC-10 /076 R

DRAFTED BY EB/AN:MHSTYLES:TH

APPROVED BY EB/AN:MHSTYLES

CAB - MR. HORNEMAN

EA/IMS - MR. GILL

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R 121404Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY KUALA LUMPUR

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E.O. 11652: N/A

TAGS: ETRN, MY

SUBJECT: CIVAIR: PAN AM CARGO FLIGHTS

REF: STATE 193001 AND 174558

1. DEPARTMENT INFORMED BY PAN AM THAT IT RECEIVED VERBAL ADVICE OCTOBER 11 THAT GOM REQUESTED DEFERMENT OF PAN AM SECOND ALL CARGO FREQUENCY BECAUSE GOM WISHES TO HAVE THE MATTER REVIEWED DURING THE FORTHCOMING CONSULTATIONS IN NOVEMBER. OFFICIAL REPLY WILL BE SUBMITTED NEXT WEEK.
2. THERE IS, OF COURSE, NO PENDING MALAYSIAN REQUEST FOR CONSULTATIONS, BUT WE ASSUME REFERENCE TO TALKS IN NOVEMBER MAY INDICATE GOM WILL REQUEST CONSULTATIONS.
3. DEPARTMENT BELIEVES THAT SITUATION HAS REACHED POINT WHERE EMBASSY SHOULD MAKE FORCEFUL REPRESENTATION TO GOM. WE LEAVE MANNER AND FORM OF REPRESENTATION TO EMBASSY'S DISCRETION, BUT BELIEVE FOLLOWING POINTS SHOULD BE MADE:

(A) RECENT GOM ACTIONS HAVE BEEN INCONSISTENT WITH US-MALAYSIA AIR TRANSPORT AGREEMENT IN FOLLOWING RESPECTS:
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(1) LIMITATION IN GOM LICENSE TO CARGO SERVICES ONLY, DESPITE FACT THERE WAS NO LIMITATION IN USG DESIGNATION OF PAN AM OR IN PAN AM LICENSE APPLICATION, IS INCONSISTENT WITH ARTICLES 3 AND 4 OF AGREEMENT.

(2) LIMITATION IN PRESENT LICENSE TO ONE WEEKLY FLIGHT INCONSISTENT WITH ARTICLE 11(C).

(3) PROHIBITION IN LICENSE OF BANGKOK--KUALA LUMPUR TRAFFIC RIGHTS (AND TOKYO--KUALA LUMPUR RIGHTS WHEN MSA OPERATES TO TOKYO), IS INCONSISTENT WITH US ROUTE RIGHTS DESCRIBED IN SCHEDULE TO AGREEMENT.

(4) FAILURE OF GOM ALLOW ADDITIONAL CARGO FLIGHT ON PROPOSED OCTOBER 28 EFFECTIVE DATE IS ALSO INCONSISTENT ARTICLE 11(C).

(B) USG WOULD HOPE IT WOULD NOT PROVE NECESSARY FORMALLY TO CHARGE GOM WITH VIOLATION OF AN INTERNATIONAL AGREEMENT.

(C) IF GOM IS DISSATISFIED WITH EXISTING AGREEMENT BETWEEN TWO COUNTRIES, IT SHOULD REQUEST CONSULTATIONS WITH US TO SEEK SUCH AMENDMENT AS IT WISHES.

(D) PENDING SUCH CONSULTATIONS, USG BELIEVES THAT GOM SHOULD ACT IN ACCORDANCE WITH TERMS OF AGREEMENT, AT LEAST TO EXTENT OF ALLOWING SECOND ALL CARGO FLIGHT TO COME INTO EFFECT ON OCTOBER 28.

3. DEPARTMENT REQUESTS EMBASSY PURSUE THIS MATTER PROMPTLY SINCE PAN AM CANNOT WAIT UNTIL LAST MOMENT TO MAKE DECISIONS ON AIRCRAFT AND CREW AVAILABILITY. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 12 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE202461
Document Source: CORE
Document Unique ID: 00
Drafter: MHSTYLES:TH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731035/aaaaazqo.tel
Line Count: 94
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 193001 AND 174558
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 19 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19-Nov-2001 by elyme>; APPROVED <22 FEB 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: PAN AM CARGO FLIGHTS
TAGS: ETRN, MY
To: KUALA LUMPUR
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005